

REMARKS/ARGUMENTS

This Reply is being filed in response to the first Official Action of November 1, 2007, on a Request for Continued Examination (RCE) of the present application. The first Office Action of this RCE no longer rejects any of the claims as being anticipated by U.S. Patent Application Publication No. 2003/0033528 to Ozog et al. Instead, the Office Action now rejects all of the pending claims, namely Claims 1-18, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0078573 to Matsuyama. As explained below, Applicant respectfully submits that the Official Action fails to *prima facie* reject Claims 2-18, and that the claimed invention is patentably distinct from Matsuyama; and accordingly, Applicant traverses the rejection of the claims as being anticipated Matsuyama. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

A. The Official Action fails to Prima Facially Reject Claims 2-18

Initially, Applicant notes that the Official Action fails to establish *prima facie* anticipation or obviousness of any of Claims 2-18. As stated in the MPEP, anticipation of the claimed invention requires the cited reference to explicitly or inherently teach each and every element of the claimed invention. MPEP § 2131. Likewise, all of the elements of a claimed invention must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. MPEP § 2143.03 (*citing In re Royka*, 490 F.2d 981 (CCPA 1974)). In the instant case, however, the Official Action fails to allege prior art, including Matsuyama or any other prior art, that teach or suggest the limitations of any of Claims 2-18. In fact, the Official Action only substantively considers independent Claim 1. And even if that consideration somehow were also attributed to similar independent Claims 7 and 13, Applicant respectfully submits that the Official Action still fails to allege prior art that teach or suggest the limitations of any of Claims 2-6, 8-12 and 14-18.

Applicant therefore respectfully requests that the Examiner reconsider the invention of Claims 2-18 in light of all of the words recited therein. *Id.* at § 2143.03 (*citing In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970)). Then, in the absence of a finding that the prior art teach or

suggest all of the elements of the claimed invention, alone or in combination with an apparent reason for their combination, Applicant requests allowance or an indication of allowability of those claims. And for at least the foregoing reasons, Applicant respectfully submits that the rejection of Claims 2-18 as being anticipated by Matsuyama is overcome.

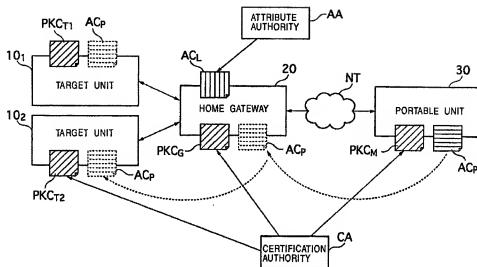
B. The Claimed Invention is Patentable over Matsuyama

As indicated above, Claims 1-18 stand rejected as being anticipated by Matsuyama. As explained below, however, Applicant respectfully submits that the claimed invention is patentably distinct from Matsuyama.

I. Newly-Cited Matsuyama

Briefly, Matsuyama discloses a remote access system that includes accessible target units of a home network, a home gateway serving the home network, and a portable unit carried by the user to access the target units. As disclosed, the portable unit may access the target units by sending and presenting, to the target units through the home gateway, an attribute certificate describing at least a privilege with regard to a resource and information of the home gateway.

As more particularly disclosed with reference to FIG. 6 (reproduced below) and cited against independent Claim 1 of the present application, Matsuyama discloses an attribute authority AA providing a role assignment certificate RAAC (shown as certificate AC_L) that permits the home gateway to issue a role specification certificate RSAC (shown as certificate AC_P) to a portable unit. The RAAC/AC_L is owned by the home gateway (described as individuals M1, M2 and M3 – see paragraph 0083, “The home gateway 20, shown in FIG. 6 and corresponding to the individuals M1, M2, and M3 ...”), and indicates roles to which the home gateway belongs. The roles are conceptually privileges, and accordingly, the RSAC/AC_P indicates the privileges permitted to the respective roles.



Matsuyama. FIG. 6

In operation (see at least FIG. 13), once the attribute authority AA has issued a RAAC/AC_L to the home gateway, and the home gateway in turn has issued a RSAC/AC_P to a portable unit, the portable unit may access a resource of a target unit by performing a mutual authentication with the home gateway using a public-key certificate PKC_M assigned to the portable unit (by a certification authority CA). The portable unit then submits its RSAC/AC_P to the home gateway, which in turn, submits it to the target units. The target units receive the RSAC/AC_P from the home gateway, and verify its content; and if affirmatively verified, permit access to their resources from the portable unit.

2. The Claimed Invention

In accordance with one aspect of the claimed invention of the present application, as recited by independent Claim 1, a system is provided that includes an apparatus, a secondary certification authority (CA) processor, a tertiary CA processor and a server. As recited, the apparatus is programmed to communicate or facilitate communication within and/or across one or more networks. The apparatus is also included within an organization including a plurality of apparatuses, where one or more apparatuses have one or more characteristics and are at one or

more of a plurality of positions within the organization. The organization includes a plurality of secondary CA processors programmed to issue role certificates to respective groups of apparatuses of the organization, and includes a plurality of tertiary CA processors programmed to issue permission certificates to respective sub-groups of apparatuses of the organization. In this regard, the secondary CA processor is programmed to provide one or more role certificates to the apparatus based upon the position of the apparatus within the organization. The tertiary CA processor, on the other hand, is programmed to provide at least one permission certificate to the apparatus based upon the characteristics of the respective apparatus. Thus, the server is programmed to authenticate the apparatus based upon an identity certificate, the role certificate and the permission certificate of the apparatus to thereby determine whether to grant the apparatus access to at least one resource of the server.

3. *Distinctions between Matsuyama and the Claimed Invention*

In contrast to independent Claim 1, Matsuyama does not teach or suggest providing both a role certificate (based on a position of an apparatus in an organization) and a position certificate (based on a characteristic of the apparatus located at the respective position) to the apparatus, and authenticating the apparatus based on both those certificates as well as an identity certificate. Matsuyama may disclose multiple certificates including a RAAC/AC_L and a RSAC/AC_P. But nowhere does Matsuyama teach or suggest that these certificates (or any other certificates) are provided to an apparatus based on a position of an apparatus in an organization and a characteristic of the apparatus located at the respective position, as are the role and permission certificates of independent Claim 1.

Matsuyama may also disclose authenticating a portable unit based on multiple certificates including the unit's public-key certificate PKC_M and a RSAC/AC_P. But nowhere does Matsuyama disclose a server that authenticates the portable unit based on role, permission and identity certificates, similar to the server of independent Claim 1. Instead, Matsuyama discloses a home gateway authenticating the portable unit based on the public-key certificate PKC_M, and a target unit authenticating the portable unit based on the RSAC/AC_P. And although one could argue that the public-key certificate PKC_M of Matsuyama corresponds to the recited identity

certificate, the system of independent Claim 1 still authenticates a terminal based on at least a pair of additional certificates, i.e., role and permission certificates. Matsuyama, on the other hand, authenticates its portable unit only using one additional certificate (and by a separate network entity, i.e., the target unit).

Applicant therefore respectfully submits that independent Claim 1, and by dependency Claims 2-6, is patentably distinct from Matsuyama. Applicant also respectfully submits that independent Claims 7 and 13 recite subject matter similar to amended independent Claim 1. For example, independent Claims 7 and 13 recite providing a role certificate and a permission certificate, and authenticating an apparatus based upon those certificates as well as an identity certificate. Accordingly, Applicant respectfully submits that independent Claims 7 and 13, and by dependency Claims 8-12 and 14-18, are patentably distinct from Matsuyama for at least the same reasons given above with respect to independent Claim 1. Applicant therefore respectfully submits that the rejection of Claims 1-18 under 35 U.S.C. § 102(e) as being anticipated by Matsuyama is overcome.

CONCLUSION

In view of the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
LEGAL02/30628448v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON JANUARY 22, 2008.